IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:06cv341

RICKY E. BARKER,)	
Plaintiff,)	
Vs.)	JUDGMENT
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
Defendant.))	

THIS MATTER is before the court pursuant to 28, United States Code, Section 636(c) and upon plaintiff's Motion for Summary Judgment and the Commissioner's Motion for Summary Judgment, and having carefully considered such motions and reviewed the pleadings, and determined that the Commissioner's decision is supported by substantial evidence, as reflected in the Memorandum of Decision filed simultaneously herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that plaintiff's Motion for Summary Judgment is **DENIED**, the Commissioner's Motion for Summary Judgment is **GRANTED**, and the decision of the Commissioner is **AFFIRMED**.

Signed: May 17, 2007

Dennis L. Howell United States Magistrate Judge